

EXHIBIT ONE

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Class Counsel

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI
 BOYKIN, VALERIE BROWN, RICK
 GONZALES, CYNTHIA GUERRERO,
 RACHEL HUTCHINS, TYRONE
 MERRITT, KELVIN SMITH, SR., and
 KEN STEVENSON, on behalf of
 themselves and all others similarly situated,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware
 corporation,

Defendant.

Case No. C 03-2659 SI; C 03-2878 SI

CLASS ACTION

PLAINTIFFS' TWENTY-SEVENTH SET
 OF REQUESTS FOR PRODUCTION OF
 DOCUMENTS

1 PROPOUNDING PARTY: Plaintiffs
 2 RESPONDING PARTY: Defendant FEDEX EXPRESS
 3 SET NUMBER: Twenty-Seventh
 4

5 TO DEFENDANT AND ITS ATTORNEYS OF RECORD:

6 PLEASE TAKE NOTICE THAT, pursuant to Rule 34 of the Federal Rules of
 7 Civil Procedure, plaintiffs hereby request that FedEx Express produce for inspection and copying
 8 the documents described herein, at the offices of LIEFF, CABRASER, HEIMANN &
 9 BERNSTEIN, LLP, 275 Battery Street, 30th Floor, San Francisco, CA, 94111, on or before
 10 August 11, 2006. In accordance with Rule 34(b), FedEx Express shall provide written responses
 11 to the following requests within thirty (30) days after service hereof and shall produce the
 12 requested documents as they are kept in the ordinary and usual course of business or shall
 13 organize and label the documents to correspond with the categories in this request.

14 **I. DEFINITIONS**

15 1. As used in these requests, the terms "FedEx Express" and "defendant"
 16 refer to defendant FedEx Express and include any and all present or former officers, employees,
 17 agents and representatives acting or purporting to act on behalf of FedEx Express or its affiliates
 18 or merged or acquired predecessors.

19 2. The terms "you" and "your" refer to FedEx Express.

20 3. The terms "document" and "documents" include any written, recorded or
 21 graphic matter or recording of symbols in tangible form, however produced or reproduced, of
 22 every kind and regardless of where located, including but not limited to any database, data
 23 processing card or tape, computerized data, computer diskettes, and other electronically recorded
 24 information such as electronic mail ("e-mail"); summary, schedule, memorandum, note,
 25 statement, letter, telegram, interoffice communication, report, diary, worksheet, list, graph, chart,
 26 or index, tape, record, partial or complete report of telephone or oral conversation, transcript or
 27 minutes, compilation, tabulation, study, analysis, or other such writing or recording which is in
 28 your possession, custody, or control or in the possession, custody or control of any servant or

1 agent of you or of your attorneys. The terms "document" and "documents" also include the file
 2 in which the documents are maintained. A copy or duplicate of a document which has any non-
 3 conforming notes, marginal annotations or other markings, and any preliminary version, draft or
 4 revision of the foregoing is a separate document within the meaning of this term.

5 4. The terms "communicate," "communication," and "statement" are used in
 6 their broadest possible sense and include every manner or means of disclosure, transfer or
 7 exchange of information, whether orally, by document or face-to-face, by telephone, facsimile,
 8 mail, personal delivery or otherwise.

9 5. The term "policy" means any rule, procedure, directive, practice, custom or
 10 course of conduct, whether formal or informal, written or unwritten, recorded or unrecorded, that
 11 was promulgated or recognized by you.

12 6. The terms "concerning," "relating to," and "pertaining to" mean referring
 13 to, describing, discussing, evidencing or constituting, and shall be used interchangeably.

14 7. The use of the conjunctive includes the use of the disjunctive, and vice
 15 versa.

16 8. The use of the singular form of any word includes the plural, and vice
 17 versa.

18 **II. INSTRUCTIONS**

19 9. Pursuant to Rule 26 of the Federal Rules of Civil Procedure, if you
 20 withhold production of any document that responds to the following requests, on the grounds of
 21 any claim of privilege or on any other ground, you are hereby requested to identify the document
 22 and to provide the following information in sufficient detail to permit the Court to rule on your
 23 claim:

24 a. The date, author, primary addressee and secondary addressee or
 25 person copied, including the relationship of that person to the defendant and/or author of the
 26 document;

27 b. A brief description sufficient to identify the type, subject matter and
 28 purpose of the document;

1 c. All persons to whom the contents of the document have been
2 disclosed;

3 d. The grounds of the claim for withholding the document and the
4 facts relied upon in support of said claim;

5 e. The party asserting the privilege, if any;

6 f. All persons having knowledge of any facts related to the claim;

7 g. All events, transactions, or occurrences related to the claim.

8 10. If any request is defined using a term of art or other terms that you believe
9 to be incorrect, but you understand the nature of the document requested, you should produce the
10 document notwithstanding the semantic or definitional error or ambiguity.

11 11. If any requested document is known by you to have existed, but no longer
12 exists or is no longer in your possession, custody, or control, you are requested to identify the last
13 known custodian thereof and to state the date upon which it was lost or destroyed or otherwise
14 became unavailable. If the document still exists, you are required to identify its present custodian
15 and location.

16 **III. DOCUMENTS TO BE PRODUCED**

17 1. Complete computer-readable personnel and payroll data for employees in FedEx's
18 Western Region from January 1, 2006 through June 30, 2006 and, when available, complete
19 computer-readable personnel and payroll data for employees in FedEx's Western Region from
20 July 1, 2006 through December 31, 2006.

21 2. All organization charts/diagrams, lists, and other documents sufficient to show the
22 organizational structure of FedEx Express and its office locations, and job positions, in the
23 Western Region, including lists of all lower and upper management in the Western Region and
24 their respective EEO data, created or located since the date of FedEx's Response to Plaintiffs'
25 First Set of Requests for Production of Documents ("First Response").
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1 3. All documents containing or referring to personnel files for all named plaintiffs
2 and all other documents concerning the named plaintiffs, including but not limited to any
3 communications regarding job assignment, compensation, schedules, promotions, evaluations,
4 training, discipline, termination, and/or eligibility for rehire, created or located since FedEx's
5 First Response.
6

7 4. All memoranda and other documents which contain or refer to compliance and
8 record-keeping pursuant to Title VII of the Civil Rights Act of 1964 or state discrimination
9 statutes prepared by FedEx Express, including all EEO-1 reports, and all compliance reports,
10 submitted by FedEx Express to the United States Department of Labor and/or any other federal,
11 state or local agency, and all communications to or from such agencies, created or located since
12 the date of FedEx's First Response.
13

14 5. All memoranda and other documents containing or referring to any studies,
15 surveys, reports, or analyses conducted by or for FedEx Express regarding the racial or ethnic
16 composition of FedEx Express's workforce, including but not limited to documents on
17 discrimination, diversity, and any internal or external task force reports or underutilization
18 analyses, created or located since the date of FedEx's First Response.
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20 6. All civil complaints and administrative Charges of Discrimination, including but
21 not limited to charges filed with the Equal Employment Opportunity Commission and equivalent
22 state agencies, against FedEx Express alleging race discrimination created or located since
23 FedEx's First Response, and all documents pertaining to or reflecting internal complaints or
24 charges by FedEx Express employees or applicants alleging employment discrimination on the
25 basis of race and/or harassment or retaliation related to such discrimination, including but not
26 limited to Guaranteed Fair Treatment ("GFT") requests and internal EEO complaints, Open Door
27 submissions, and documents referring or relating to FedEx Express's investigation, findings,
28

1 responses, and actions taken on such complaints or charges, created or located since FedEx's First
2 Response.

3 7. Any disparate impact surveys, studies, or inquiries conducted by FedEx with
4 respect to racial disparities in its hiring, promotions, compensation, and discipline, created or
5 located since FedEx's First Response. This includes, without limitation, any such surveys,
6 studies, or inquiries related to the following: CEV scores; BST scores and performance; ASPIRE
7 scores and performance; performance reviews; warning letters; verbal warnings; driver test, check
8 ride and drive-along performance results; promotions from casual to permanent status;
9 promotions from part-time to full-time status; promotion from handler to other hourly positions;
10 promotion to customer service agent; promotion to courier; promotion to ramp agent; promotion
11 to dispatcher; promotion from hourly employee to operations manager; employee turnover;
12 termination.
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15 8. Any and all documents submitted to the OFCCP in conjunction with any OFCCP
16 audits, investigations, and/or compliance reviews, created or located since FedEx's First
17 Response.

18 9. Any and all validation studies conducted by you or at your direction, created or
19 located since FedEx's First Response.

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21 10. The curriculum vitae of any individuals involved in designing, overseeing,
22 implementing, reviewing, or evaluating any validation studies conducted by you or at your
23 direction.

24 11. All documents related to the search for alternative criteria and/or selection
25 procedures for hiring, performance reviews, and promotions, including but not limited to
26 alternatives to: the Basic Skills Test; CEV points and ranking of candidates by CEV points; drive-
27 alongs; check rides; Job Knowledge Tests; the PET; and ASPIRE.
28

1 12. All documents that the Uniform Guidelines on Employee Selection Procedures
2 require test users to maintain that you have not already produced.

3 13. All documents related to any modifications to the BST and/or selection procedures
4 and qualifications for Courier, Ramp Transport Driver, Customer Service Agent, and Customer
5 Representative Positions, since FedEx's First Response.
6

7 14. Updated job descriptions for all jobs listed in the Court's Class Certification
8 Order;

9 15. All correspondence between John Hater and Phil Krawczyk, and any documents
10 created or generated by Phil Krawczyk regarding training data;

11 16. All correspondence between Lynn Slawson and any individuals regarding
12 training, and all documents created or generated by Lynn Slawson regarding training;
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14 17. All correspondence between Amy M. Black and any individuals regarding
15 performance reviews, and all documents created or generated by Amy M. Black regarding
16 performance reviews;

17 18. The "analysis of 28, 146 courier training grades" referenced in John Hater's June
18 2, 2000 memo to Steve Rutherford; the data this analysis was based on; and all correspondence
19 relating to this analysis.
20

21 19. All documents, including data, relating to the 1997 attempt to correlate BST scores
22 with training outcomes referenced in John Hater's June 2, 2006 memo to Steve Rutherford.

23 20. All documents, including data, showing that the BST is a significant predictor of
24 courier leave of absence history, and medical absence pay.

25 21. The most up-to-date editions of the JCATS Managers Guide and/or Managers'
26 JCA Guide; Employees' JCA Guide; People Manual; AGFS People Best Practices; DGO People
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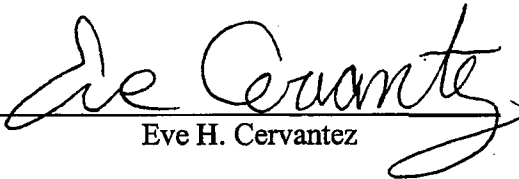
1 Best Practices; and performance review forms used to evaluate employee performance for all
2 class member jobs.

3 22. All documents identified in Defendant's response to Plaintiffs' Third Set of
4 Interrogatories.

5 23. Complete, computer-readable data showing training grades for courier, customer
6 service agent, ramp transport driver, and customer representative training classes, as well as
7 documents indicating the cutoff scores for each class at any point in time, from 1990 to the
8 present.
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11 Dated: July 12, 2006

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP

12
13
14 By: 
Eve H. Cervantez

15 *Class Counsel*
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